

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CHERYL KATER and SUZIE KELLY,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation, and BIG FISH
GAMES, INC., a Washington corporation.

Defendants.

No. 15-cv-00612-RBL

DECLARATION OF TODD LOGAN

MANASA THIMMEGOWDA, individually
and on behalf of all others similarly situated,

Plaintiff,

v.

BIG FISH GAMES, INC., a Washington
corporation; ARISTOCRAT
TECHNOLOGIES INC., a Nevada
corporation; ARISTOCRAT LEISURE
LIMITED, an Australian corporation; and
CHURCHILL DOWNS INCORPORATED, a
Kentucky corporation,

Defendants.

No. 19-cv-00199-RBL

DECLARATION OF TODD LOGAN

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2 1. I am an attorney at Edelson PC, which has been retained to represent Plaintiffs
3 Cheryl Kater, Suzie Kelly, and Manasa Thimmegowda in the above-captioned matters. I am
4 entering this declaration in opposition to Defendants' Motion for Protective Order Pursuant to
5 Rule 23(d). I have personal knowledge of the matters stated herein and, if called upon, I could
6 and would competently testify thereto.

7 2. Neither I nor anyone else at my law firm received any pop-up related phone calls
8 from putative class members on December 30 or December 31, 2019. By contrast, beginning at
9 approximately 3:45 p.m. on January 21, 2020, my direct phone line was flooded with calls and
10 voicemails from putative class members requesting representation and/or further information.

11 3. On January 22, 2020, my firm established www.nocasinoarbitration.com. Later
12 that evening, at approximately 11:00 p.m., my firm began running internet banner advertisements
13 pointing toward www.nocasinoarbitration.com.

14 4. When a putative class member navigates to www.nocasinoarbitration.com and
15 fills out the six fields of information and then clicks "sign and send," a postcard is automatically
16 mailed from a third-party facility to Big Fish Games' legal department.

17 5. Since its launch, more than 2,500 individuals have utilized
18 www.nocasinoarbitration.com to send "opt-out" letters to Big Fish Games' legal department.

19 6. I have repeatedly asked Defendants' counsel to provide specific information
20 regarding their allegation that "one [unidentified] user reported receiving a call from" an attorney
21 at Plaintiffs' counsel's law firm, and that attorney "disparaged the games and referred to a class
22 action lawsuit," so as to allow a substantive response. Defendants' counsel have steadfastly
23 refused to provide any further information.

24 7. Neither I nor anyone at my firm have cold-called any putative class members in
25 these cases.
26
27

8. Attached hereto as Exhibit 1 is a true and accurate copy of an exemplar of the postcards that are automatically mailed from a third-party facility to Big Fish Games' legal department when putative class members fill out the six fields on www.nocasinoarbitration.com and then click "sign and send."

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 10, 2020 at San Francisco, California.

/s/ Todd Logan

Todd Logan